

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

## DEFENDANTS' RULE 26(a)(1) DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Defendant, Lake County Election Board, whose true name is Lake County Board of Elections and Registration (“Election Board”), by and through counsel, Michael E. Tolbert of Tolbert & Tolbert LLC, hereby makes the following initial disclosures:

**A. Individuals likely to have discoverable information as described under FED. R. CIV. P. 26(a)(1)(A)(i):**

**RESPONSE:** The following individuals are likely to have discoverable information regarding the absence of elements of Plaintiff's claims and/or provide evidence supporting Defendants' defenses. The subject matter of such discoverable information may also include, but is not limited to, the following: (i) the allegations alleged in Plaintiff's Complaint; (ii) Plaintiff's alleged damages; and (iii) all other facts relevant to this matter as they develop during the course of discovery.

1. Joseph Hero, Plaintiff.
2. Lake County Board of Elections and Registration, Defendant.

3. Lake County Board of Elections and Registration Members who have knowledge of the actions of the Board.
4. Jeffrey L. Cardwell, State Chairman of the Indiana Republican Party, whose contact information is unknown at this time.
5. Christian Jorgenson, 70 W. Hubbard, Suite 200 Chicago, IL 60654.
6. Amy L. Jorgenson, 5925 Calumet Avenue, Hammond, IN 46320.
7. Daniel Dernulc, Chairman of the Republican Party, 2293 N. Main Street, Crown Point, IN 46307.
8. Appropriate unknown members from the Lake County Board of Elections and Registration who have applicable knowledge of this matter.
9. Appropriate unknown members from the Indiana and Lake County Republican Committee who have applicable knowledge of this matter.
10. Any and all persons listed on the Plaintiffs initial disclosures and/or any future witness lists.
11. Any and all persons necessary for impeachment or rebuttal, and/or for the authentication of documents.
12. Any record custodian of any witness and/or exhibit listed herein.
13. Any witness identified in the course of discovery including, without limitation to, any witness (i) mentioned by defendant in this cause of action, (ii) identified in any deposition taken in this cause of action, or (iii) identified in any interrogatory or discovery answers submitted herein.

It is the assumption of the Defendant that all listed witnesses will testify to their individual knowledge and/or their involvement surrounding the alleged incident complained of in Plaintiff's Complaint. It is unknown as to what the plaintiff will testify about. Defendant reserve the right to amend and/or supplement this disclosure.

**B. Relevant documents as described under Fed. R. Civ. P. 26(a)(1)(A)(ii):**

**RESPONSE:** Documents in Defendants' possession, custody, and/or control that subsequently become available and/or that become apparent as discoverable during discovery.

1. Any and all documents attached to any filings by Plaintiff in this cause.
2. Any and all documents produced by the Plaintiff in this matter.

3. Any and all depositions taken in this matter.
4. Any and all responses to Requests for Admissions in this matter.
5. Any and all Answers to Interrogatories.
6. Any and all Complaints, including but not limited to, Answers to Complaints and any Amended Complaints and Answers.
7. Any and all Transcripts of Hearings held by the Lake County Election Board on February 26, 2019.
8. Any and all documents relevant to the hearing held by the Lake County Election Board on February 26, 2019.
9. Any and all documents the Plaintiffs voting history.
10. Letter from Jeffrey L. Cardwell to Plaintiff dated November 22, 2016.
11. Any and all of exhibits listed by any of the parties to this cause.
12. Any and all documents necessary for the purposes of impeachment or rebuttal.
13. Any document or other evidence identified or produced in the course of discovery including, without limitation, any documents (i) produced by or to Defendants in this cause of action, (ii) identified in any deposition taken in this cause of action, or (iii) identified in any interrogatory answers submitted herein.

Defendant reserve the right to amend and/or supplement this disclosure.

**C. Computation of damages as described under Fed. R. Civ. P. 26(a)(1)(A)(iii):**

**RESPONSE:** Not applicable.

**D. Insurance agreements as described under Fed. R. Civ. P. 26(a)(1)(A)(iv):**

**RESPONSE:** Not applicable.

By: /s/ Michael E. Tolbert  
Michael E. Tolbert, #22555-64  
TOLBERT & TOLBERT LLC  
1085 Broadway, Suite B  
Gary, IN 46402  
Attorney for Lake County Board of Elections

By:/s/ John P. Reed  
John P. Reed  
ABRAHAMSON, REED & BILSE  
8230 Hohman Avenue  
Munster, IN 46321  
Phone: (219) 595-5306  
Fax: (219) 513-9754  
Attorney for Lake County Board of Elections

**CERTIFICATE OF SERVICE**

I hereby certify that on the 23<sup>rd</sup> day of December, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

Gavin M. Rose	Email: <a href="mailto:grose@aclu-in.org">grose@aclu-in.org</a>
Stevie J. Pactor	Email: <a href="mailto:spactor@aclu-in.org">spactor@aclu-in.org</a>
Michael Tolbert	Email: <a href="mailto:mtolbert@tolbertlegal.com">mtolbert@tolbertlegal.com</a>
Shelice Tolbert	Email: <a href="mailto:stolbert@tolbertlegal.com">stolbert@tolbertlegal.com</a>
Candace C Williams	Email: <a href="mailto:cwilliams@tolbertlegal.com">cwilliams@tolbertlegal.com</a>

and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

/s/John P. Reed